



STATE OF VERMONT

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AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT

October 30, 1997

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Office of the Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: Preemption of State and Local Zoning and Land Use Restrictions on the Siting,  
Placement, and Construction of Broadcast Transmission Facilities  
MM Docket No. 97-182

Dear Secretary:

The Vermont Division for Historic Preservation just recently learned of the above-referenced FCC Notice of Proposed Rulemaking and offers the following comments on the potential impact of the proposed rule on historic resources and historic landscapes.

1. In Vermont, the beauty of the rural environment is the basis of the state's third largest industry - tourism. That environment consists of both natural features and historic buildings, seen together. Surveys show that 55% of travelers coming to Vermont visit historic sites and places. Most Vermont communities have hills and mountains as backdrop, and that defines Vermont's sense of place. The siting of large towers on hills adjacent to historic villages and farmsteads may have an adverse effect on the appearance and context of a community that directly translates into a negative economic impact on the community. It is appropriate for the state and local governments to evaluate those impacts and to plan for land-use patterns that preserve and enhance rather than degrade the Vermont environment.

2. Section 106 of the National Historic Preservation Act requires federal agencies to consider impacts to historic and archeological resources caused by projects that they fund, permit or license, and to consult with the State Historic Preservation Officer (SHPO). The process encourages projects to proceed, with appropriate mitigation if necessary. FCC-licensed towers are covered by the Act. The FCC has been developing a Programmatic Agreement on the treatment of wireless communication towers, with the federal Advisory Council on Historic Preservation. This agreement acknowledges and streamlines the review of projects that have little potential for negative impact, and allows for full consideration and resolution of projects where the impact may be greater, as required by the law. This model could be used for DTV towers as well. In the case of Section 106, federal law already requires consultation with states (SHPO) on tower impacts.

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3. The Vermont State Historic Preservation Officer is currently drafting a framework to evaluate what constitutes an adverse effect with respect to communication tower placements and to guide parties in pursuit of options for mitigation of adverse effects of wireless communications towers on historic landscapes. States and communities are in the best position to know what works in their environments, and their inclusion in the process is important to effective and location-appropriate and responsive resolution. The goal of local and state involvement in the process is not to prevent the placement of towers, but rather to site them such that the service is provided, but not at the expense of the elements of landscape and context that contribute to community preservation and community and economic development. This is the vested interest of the state and the local community. It distinguishes the role of the state and local community from that of the federal government.

4. Vermont has a long tradition of encouraging municipalities to identify and plan for their historic resources. Public investment of time and money over many years has produced town plans and zoning ordinances that encourage preservation and planned growth. To overrule that effort in federal law would undermine Vermont's civic tradition of community stewardship at the local level.

Preservation of Vermont's communities, historic working landscape, and natural environment is the very core of Vermont's plan for the future. The State of Vermont and its local communities must retain an active and effective role in planning for the inclusion of new technologies and services in that landscape and in that future.

Thank you for your consideration.

Sincerely,

  
DIVISION FOR HISTORIC PRESERVATION

Townsend H. Anderson

State Historic Preservation Officer

c Governor Howard Dean, M.D.  
William Shouldice, Secretary, Agency of Commerce and Community Development  
Barbara Grimes, Commissioner, Department of Housing and Community Affairs  
National Conference of State Historic Preservation Officers  
Advisory Council on Historic Preservation